

**ENSIGN-BICKFORD MAPLETON GROUNDWATER  
CLEANUP PROJECT  
ADDENDUM TO STIPULATION AND CONSENT  
ORDER AND  
NATURAL RESOURCE DAMAGE CONSENT  
AGREEMENT**

**COMMENT RESPONSE SUMMARY  
III. RESPONSE TO E-MAIL AND LETTERS  
DECEMBER 2006**

**E-mail No. 04-01**

**From:** "Johnson, Mark A CONT (NETS)"  
<Mark.Johnson@nets.nemais.navy.mil>  
**To:** <nrdtrustee@utah.gov>  
**Date:** 8/11/04 7:31AM  
**Subject:** State settlement with EBCo

As a former resident of the Springville/Mapleton area, this kind of negligence infuriates me. I see nothing in the agreements that penalizes EBCo for the damages done by their facility. Rather, money is being directed to state funds to ensure that future drinking water and resources are protected. Where is EBCo being held accountable to the city and its residents for the untold number of \$ of damage they have caused? Do they not have some environmental responsibility to the community in which they operate? Does the State not have some responsibility to its cities for regulating business practices, especially HAZMAT ones?

At a minimum, the state should expand these agreements to force EBCo's hand in improving the environment in which they reside. NOT merely fixing the damage they've caused. There are hundreds of environmental beautification projects they could sponsor/own that would go a long way to mending their relations with the city. The state can enforce this and certainly has some responsibility to protect and look after its citizens. Repairing the aquifer and providing safe drinking water in the future is not enough...it's a given!

Sincerely,

Mark Johnson  
105 Avonlea Drive  
Chesapeake, VA 23322  
757.482.5159 home  
757.852.6959 work  
mjohnson6080@cox.net

**Response to E-Mail No. 04-01**

*For explanation of damage valuation, see Response to Common Comment No. 6.*

*For issues related to third party claims, see Response to Common Comment No. 2.*

*Hazardous materials on the EBCo site are regulated by the Division of Solid and Hazardous Waste. On-site contamination was investigated under the RCRA Facilities Investigation with assistance from the EPA. In 2006, EBCo treated soils to remove contamination or removed contaminated soils from the site. Buildings and other structures were burned or taken down as part of the site cleanup. See also Response to Common Comment No. 14.*

**Letter No. 04-02**

**David R. Nemelka**  
**903 South 1250 East**  
**Mapleton, UT 84664**  
**(801) 489-9438**

September 1, 2004

Dianne P. Nielson PH.D.

Re: Thank you for setting up last Thursdays meeting.  
Summary of my message in the meeting.  
My proposal for a negotiated "peace" or global settlement.

Dear Ms. Nielson,

Thank you again for your positive support of my request for a joint meeting between the representatives of the Utah Division of Water Quality, Utah Department of Environmental Quality, NRD Trustee and the Utah Department of Solid Waste. I was most pleased that all three agencies had at least two people in attendance. In my initial phone call with Mr. Walt Baker, he asked if Mapleton City was aware of my request. At that time they were not. After some reflection, I felt it could be beneficial to both parties (the state agencies and Mapleton City), if Mapleton City were represented to hear my message first hand, as well as your response. I invited Mapleton City Attorney Doug Thayer to join us as an observer, which he did. I believe that turned out to be a beneficial decision. He came away with more optimism for a potential negotiated settlement of the city lawsuit, than he had before. He views the state potentially playing a significant role. He mentioned that the exchange of water between Mapleton City and EBCO would go along way in helping the parties find common ground on all other issues.

As you probably heard from Walter Baker, my message was consistent with my previous message to you. **I felt there were enough facts now gathered by all sides to warrant an attempt at a global settlement relating to Mapleton City's damages. I see the states main role being to**

**Response to Letter No. 04-02**

## Letter No. 04-02 (cont)

**help Mapleton recover adequate replacement drinkable water and to encourage further discussions between Mapleton and EBCO on their remaining issues. I hope Mr. Baker and the others present felt my sincerity.** My primary interest is the Mapleton drinking water issue.

I emphasized at the meeting on Thursday that from the beginning of my involvement in 1989, (Wow it has already been 15 years), that I said I would stay involved in the Mapleton City/Trojan conflict until three things were accomplished.

1 – To protect my family's health, especially my wife Ingrid's. She has been hospitalized over 50 times because of strokes in her lower left cerebellum specific. We found a medical study in Russia where one of their medical tests showed RDX could cause such strokes, in the lower left cerebellum specific. Her doctors have learned to manage her health so that even though she continues to have mini strokes, they are not life threatening.

2 – My second goal was to see that all Mapleton citizens would become adequately informed of the Mapleton City drinking water contamination. This too has been accomplished. Individual citizens now have to take personal responsibility for regular health check-ups, especially for cancer. The sooner someone's cancer is diagnosed, the more likely it can be successfully treated.

3 (A) – To see that Mapleton City's present drinking water was safe.

3 (B) – To see that Mapleton City's contaminated drinking water was adequately replaced so that future generations could also have a safe public drinking water source.

Dianne, as I mentioned in last Thursdays meeting, Ingrid and I have seven children and 24 grandchildren (the oldest is 13). Some of my children are concerned about moving their families back to Mapleton because of the past history of the contaminated drinking water on their mothers health and their neighbor's health.

Mr. Baker most likely mentioned that I got somewhat emotional and at times too passionate regards some of my message during the first part of my presentation. In retrospect I'm somewhat embarrassed and I again apologize. My emotional reaction was neither appropriate nor called for. I was out of order. Just dwelling on the multiple tragedies we sincerely

## Response to Letter No. 04-02 (cont)

*As indicated in the Response to Common Comment No. 2, the proposed agreements do not constitute a settlement of any claims Mapleton City may have against EBCo. The settlement proposal for Mapleton is a matter for discussion between City officials and EBCo. The Trustee has attempted to facilitate discussions between the City and EBCo, but has no authority to resolve the third party claims.*

*We hope your wife continues to be able to manage her health.*

*Point 3A, 3B are the goals listed in the CAP. "Restore, replace or acquire the equivalent of the resource" is the basis for approving the CAP. This condition is met by the water treatment currently being employed with the Mapleton Granular Activated Carbon filtration (GAC), the Orton GAC and the Spanish fork GAC.*

## Letter No. 04-02 (cont)

believe resulted from the contaminated drinking and irrigation water does still stir up my emotions. Charlie Bates who passed away from leukemia, (with whom Trojan settled a law suit), lived directly across the street from us on 10<sup>th</sup> east. Marilyn Peterson lived one house to the South from Charlie. She just passed away yesterday from leukemia. (Copy of obituary enclosed.) Trojan also settled with the Petersons. One house to the North lived the Larry Haines family. Their daughter Sandra, now in her early 40's, tragically is now suffering from similar life threatening health challenges as Marilyn Peterson. These were not just neighbors but dear friends. Therefore it is difficult for me not to become emotional.

### However It is Now Time to Move on

I'm convinced it is now time to move on. As you have read above my goals #1, #2, and ½ of #3, have now been accomplished. **It is now time to try and accomplish #3B, the replacement of Mapleton's drinking water for future generations.** Which certainly includes my own grandchildren. My main interest today is the Mapleton long-term drinking water issue.

### **My Simple Solution**

**Have the state (probably you as the state trustee of water), require Trojan to swap water with Mapleton City, X number of acre-feet for X number of acre-feet.**

Mapleton owns plenty of water rights from water in the contaminated underground aquifer to meet their water needs for the foreseeable future. However, because it is contaminated no one in Mapleton is comfortable drinking it. Even after it is supposedly cleaned up. The easy answer is to swap it with EBCO for clean water that will come from a different source.

If for no other reason than good will, EBCO should trade Mapleton water rights from uncontaminated water they own. Ask them about their well on the south east corner of their property. According to a former employee the plant used this well for all the plants culinary water in the past. The last message I had, they no longer use it. I also heard from a former employee, that Trojan owned quite a bit of water in the Spanish Fork water system. I assume they have plenty of clean water to trade.

My proposal would include five parts.

## Response to Letter No. 04-02 (cont)

*See Response to Common Comment No. 13.*

*Please accept our condolences for the loss of your friends.*

## Letter No. 04-02 (cont)

- 1 - Exchange of water rights (equal acre feet). This is my main issue
- 2 - Trojan (EBCO) should build the system to hook the traded water into Mapleton's existing water system. (I'd propose a 3 million gallon tank on the south/east hillside. 800 west would be an excellent connecting point.
- 3 - That the State and Trojan (EBCO) allocate \$1.5 million dollars from the \$2.58 million in proposed settlement to develop Hobbie Creek Canyon Springs. This would take care of Mapleton's short-term water pressures.
- 4 - That the state and Trojan (EBCO) use \$1.08 million of the settlement dollars to double the existing secondary water system in Mapleton.
- 5 - Trojan (EBCO) provide Mapleton City with (X) number of dollars to provide them necessary monies to **Build Out** the city's water system needs for the future. For these 5 concessions, Mapleton should agree to drop their existing lawsuit. The exact dollar amount would have to be agreed upon by (EBCO) and Mapleton City. My suggestion, a minimum of \$20,000,000.

The reason I suggested \$20,000,000 is because I believe that is what an adequate water system build out will cost for 20 to 25,000 people, which is the estimated growth to take place in Mapleton over the next 20 years.

Remember, in your information packet mailed to all Mapleton citizens, under the pump and treat process section, your engineers estimate it will take a minimum of 20 years of corrective action on cleaning up the existing plume. Therefore, should it not be part of the states negotiated settlement agreement to have Trojan provide Mapleton's citizens, who are the major harmed parties, adequate clean drinking water now? I believe so.

Allocating \$1,500,000 to develop Mapleton's spring water flowing from Hobbie Creek would go along way towards providing "Good Will". **I'd strongly encourage you to adopt this proposal now.** I would also encourage EBCO out of "Good Will" to support this suggestion.

I assume Mr. Baker mentioned my homemade flag of peace I made from one of my wife's pillowcases. It read:

"I Come Hoping For Peace"

## Response to Letter No. 04-02 (cont)

*Items 1-5, see Response to Common Comment No. 2.  
Mapleton City and Ensign-Bickford have reached agreement regarding the City's claims.*

## Letter No. 04-02 (cont)

Desiring to Encourage a Global Settlement with EBCO,  
All 3 State Agencies and Mapleton City

Dianne, I am sincere in desiring to see all the animosity between Mapleton citizens and Trojan end soon. Thank you again for your efforts in this regard.

Of note I mentioned in the Thursday meeting that multiple individuals and small groups had approached me about my leading a “class action” legal effort against EBCO. My answer was, is and will remain “NO WAY”. I will not personally be involved in any additional lawsuits involving Trojan. Directly or indirectly.

One last issue. I was asked by several people to help organize a Mapleton citizens group to protest the purposed settlement. I also declined to support their proposed aggressive actions. My message is that we should not oppose the settlement, but lobby to adjust it as I have suggested in this letter. I will do so more formally in a subsequent letter, after the hearing.

### The Public Meeting “Open House”

Ms. Neilson, I have to admit that I am one of those who was both disappointed and concerned about your “open house” format for public input about the states proposed settlement with Trojan (EBCO). The issues are too complex for this format of one on one discussions. There should have been a public hearing like was held at Springville High in the past. Then more education, sharing of information and new understanding would have occurred. There is still way too much ill-will towards Trojan.

The issues are so complex regards timelines and amounts of contamination as well as the amount of damage to the water and damage to the over all environment even all three of your professional state agencies have disagreed on conclusions.

In your mail out “over view” the state acknowledges it is not certain when the ground water contamination began, or how much contamination took place

## Response to Letter No. 04-02 (cont)

*The intent of the open house forum was to provide an informal setting where citizens could come and receive information about the issues involving the community regarding EBCo and the ground water contamination, ask questions, and give comments.*

## Letter No. 04-02 (cont)

However, the next paragraph acknowledges on going contamination of ground water is continuing, even though minimal in comparison to historical discharges. (That still is frightening.)

The overview also acknowledges that the contamination has largely damaged the deeper regional aquifer, which is **THE PRIMARY SOURCE OF PUBLIC DRINKING WATER.**

How I see it,

- There is presently no "Good Will" at this point between Mapleton City and EBCO.
- EBCO (Trojan) is the criminal.
- Mapleton City and its citizens are the harmed parties.
- The state is the sheriff.

Both federal and state law gives the Utah Department of Environmental Executive Director, as trustee, the authority to file a claim when a natural resource of the state is damaged. That should also give you the authority to negotiate a settlement. I encourage you to use your authority to do so.

### One Last Suggestion

Perhaps you should consider asking the Mapleton City Council to appoint a knowledgeable committee of professional Mapleton citizens to work with your office in finding an acceptable settlement. (I would not participate). When you are included in the creation of a proposed settlement, you are much more likely to accept it.

Thank You Again,

  
David R. Nemelka

cc: Dennis Downs  
Walt Baker  
Keith Egan  
Brad Maulding

## Response to Letter No. 04-02 (cont)

*The above referenced RFI Investigation was conducted by the Division of Solid and Hazardous Waste with EPA oversight, and resulted in identifying on-site sources and recommending remediation efforts that will remove contaminants and restore the land, so it will not contribute pollution in the future.*

## Letter No. 04-03

Testimony of Grace Huffaker, 99 East 900 South, Mapleton in regard to  
Mapleton City Water Problems. September 2<sup>nd</sup>, 2004

In June of 1989 we moved to Mapleton from Tucson, Arizona. After a few months of getting to know our neighbors and ward members of our church, I was alarmed to see almost every family along 1600 South, 1000 East, and South Main Street having severe health problems.

Medical problems were severe and ranged from lymphoma, leukemia, brain tumors, cancer, rare seizures and strokes of younger people, severe birth defects including mental and physical handicapped children

That summer I personally called the Utah County Health Department in Provo and asked to speak to the head person in charge. I don't remember his name but I told him my concern for the health of people living in Mapleton who were having major health problems.

I said, "Someone from the health department needs to come out here and test the water and air quality as the amount of major health problems are totally out of proportion to the size of this little town. He assured me there was no problem and the water quality was regularly tested so I shouldn't be concerned. I was frustrated with the lack of interest in doing any study door to door to verify whether there were problems or not.

I was skeptical because we had moved from Tucson, a major metropolis, where a similar problem with Hughes Aircraft located on the south side of Tucson for 20 years dumped TCP, an engine cleaning chemical into a city well.

It wasn't until an employee finally retired that his conscience got the better of him, and he decided to blow the whistle on his former company.

## Response to Letter No. 04-03

*See Response to Common Comment No. 13.*

*See also response to comments of Grace Huffaker in the Public Hearing document.*

## Letter No. 04-03 (cont)

He said for 20 years, in order to eliminate dealing with environmental waste disposal, his boss had him lift the lid of a city well which was located on the Hughes Aircraft property, and he was instructed to dump drums filled with used engine cleaners into the well each day.

After the retired employee blew the whistle on Hughes Aircraft, a detailed door to door survey was completed on the people living within a ten mile radius to the city well. The survey proved the people living on the south side of Tucson were also dying of lymphoma, leukemia, brain tumors, cancer, and had children severely physically and mentally handicapped.

I was disappointed the Utah County Health Department didn't see the severity of the problems and instigate their own research to substantiate my observations. I told them I was more than willing to meet with them and detail which homes and families were affected. They weren't interested and never called me back. My regret was I wasn't more forceful.

In the meantime I've been told that Trojan Ammunition Plant was monitoring their own tests of water and no one from the city, county, or state was testing anything for the safety of the people.

Undetected not only were nitrates from the plant seeping into our public water system from Trojan ponds but explosive chemicals were being dumped also.

For years unsuspecting people were drinking from their own private wells and the city's south side well was also contaminated. The general public trusted their government employees to protect them from unsanitary and unsafe conditions. Unfortunately I gave up too easy and didn't pursue more of an investigation myself. In the meantime, years passed by and family after family lost loved ones to an early death.

## Response to Letter No. 04-03 (cont)

*The State has been splitting ground water samples on Mapleton City's supply wells and having them monitored for Nitrates since the late 1980's. The State has also been splitting ground water samples from the Mapleton City supply wells and random monitoring wells and having them analyzed for Constituents of Energetic Materials (CEMs) that include, but are not limited to RDX, HMX, and TNT as provided by EPA Method 8330 since 1994. The purpose of these split samples is to ensure adequate analysis is being done according to the Approved Sampling and Monitoring Plan. The State uses the State Laboratory Services, for Nitrite, Nitrate and general chemistry analysis. DataChem is used for CEM analysis.*

### Letter No. 04-03 (cont)

We are burying the latest victim, Marilyn Peterson tomorrow, September 3<sup>rd</sup>, 2004. Marilyn was courageous woman who fought a valiant fight for the past 20 years. She died from the ravages of lymphoma. She lived at 1350 S. 1000 E.

Unfortunately many of the families who have been affected have since either died or moved away making it more difficult to pin point the severity of our Mapleton problems.

Our present Mayor and government officials are very much aware of the dangers we have faced and are much more aggressive at protecting the citizens of our little community.

Here is just a short list of some of the families affected:

Ingrid Nemelka resides at 1310 East 1600 South, formerly lived at 1255 South 1000 East - suffers from rare seizures and strokes caused from toxicity in her blood. Drank from private well water for years Also lived across the street from Haines, Bates, and Peterson family.

Stacy Broadbent, daughter of Philip and B.J. Broadbent - now in her 20's. Victim of leukemia when she was six years old and resided at 1306 E. 1600 S., Mapleton

Sandra Haines, daughter of Lawrence and Priscilla Haines - victim of severe seizures and heart palpitations. Grew up in Mapleton in her family home located at 1000 South 1000 East. Private well contaminated by Trojan

Charles Bates - died of Lymphoma cancer - resided at 1120 South 1000 East - lived next door to Haines family also used private well which was contaminated with nitrates and explosives.

Marilyn Peterson - died of Lymphoma cancer Aug 30<sup>th</sup>, 2004- resided

### Response to Letter No. 04-03 (cont)

*Thank you for the specific health information. Please accept our condolences for the loss of your friends.*

### Letter No. 04-03 (cont)

next door to Charles Bates who died of same type of lymphoma cancer. Marilyn resided at 1350 South 1000 East.

Matthew Bateman - son of Lynn and Joan Bateman now in his 20's- resides at 866 East 1600 South. Born severely handicapped mentally and physically. Half block away from Stacy Broadbent

Lindsey Ashton - son of Larry and Joan Ashton - resides at 680 E. 1600 South, Mapleton now in his 20's - born severely mentally handicapped-down syndrome

Bills daughter - died of cancer last year - sister of Mac Bills. Grew up in home on 351 East 1600 South, Mapleton

Glenn Allman - died of lymphoma cancer. Resided at 560 East 1600 South. Poisoned city well directly behind his home.

Robert Hurst - died of brain tumor and cancer. Husband of Bernita Hurst Resided on the corner of 1600 South and Main - 1574 South Main.

John Taylor - young husband of Marylin Taylor - now Marylin Stirling- resided at 1468 South Main Street. Died of brain tumor in his 30's.

Ford daughter - daughter of Carolyn Ford who used to reside at the home at 1800 South Main Street- born with down syndrome

Howard Ruff - formerly resided at 2001 South Main Street - cancer.

Kent Stephens - formerly resided at 2105 South Main - contaminated private well water - lived next door to Howard Ruff

Myrna Casper recently died of cancer. Wife of Dick Casper. Lived at 1968 South Main Street Lived across street from Stephens and Ruffs

### Response to Letter No. 04-03 (cont)

### Letter No. 04-03(cont)

Karen Long -recently operated on for brain tumor. Resides at 15 West 1600 South across the street from Hurst home and Taylor home both victims of Brain Tumors.

Earl Nielsen - husband of Dolores Nielsen - resided at 684 South Main. Died of cancer.

To the best of my knowledge the above information is true. There are others who have been affected but I am not aware of all the names and addresses.

In my opinion, 11 million is not an adequate compensation for the lives who were taken and the families who have spent millions on medical costs tried to save their loved ones. The water system of Mapleton has and will be contaminated for many years to come.

Trojan should not only pay more, they should be put out of business. Not only have they sacrificed our water for generations to come, they pose a daily potential problem of a massive explosion which could destroy many Mapleton homes. As long as the Trojan plant remains where it is, I don't think the Henrichsen subdivision should be given approval to build homes so close to an ammunition plant.

A former employee of Trojan personally told us he quit working there because of the unsafe practices of the company. Upon an investigation, I will reveal his name but for now he prefers to remain anonymous.

To the best of my knowledge the above statements are true. There are other families which have been affected, I don't know them well enough to put them on this list.

Sincerely,

Grace Huffaker

Cell Phone - 636-2600

### Response to Letter No. 04-03 (cont)

*See Response to Common Comment No. 2.*

## Letter No. 04-04

2 September 2004

Public Comment: State of Utah Natural Resource Damage Trustee  
Ensign-Bickford (Trojan Plant) Groundwater Cleanup

Gary M. Booth, Ph.D  
Department of Integrative Biology  
Brigham Young University, Provo, Utah 84602  
and Co-owner of 53 acres (Farm 527, Tract 1078) adjacent to Joyner Property

Let me first identify myself. I have spent the last 32 years studying the movement, bioaccumulation, and metabolism of xenobiotics (foreign chemicals accidentally or intentionally placed in the environment) in organisms ranging from bacteria to cattle. In addition, I am particularly interested in looking at the behavior of these compounds when they move through the ecosystem especially in aquatic ecosystems. I have testified at the Senate Subcommittee of Human Resources in Washington on critical contamination issues, at the DDT Hearings in Washington, at the Science Advisory Panel Meetings in Washington on contamination issues, and have served as a consultant to the EPA and private industry for the past 32 years. So I have had a long-standing interest and career that has been focused on environmental toxicology. Contamination of our well is at the heart of what I do for a living. In addition, this well-water contamination issue has put a major halt to our research work that we do on our property because water is needed to see our projects to fruition. In fact our research work has absolutely stopped with no chance to even begin studies in the near future. Even the Department of Environmental Quality has recommended that we do not grow crops for human consumption especially in light of the fact that RDX has a tendency to translocate from water and soil to primary consumers that include a variety of herbivores and omnivores. This impacts everything we do on the property. Our property sits on the west side of the Joyner property ...approximately 53 acres and has a well that serves the entire acreage.

I would make the following points for the record:

1. Our well is not even listed on the document sent to me regarding the five wells that pull water from the area. Please add our well to the list.
2. The concentration of RDX detected in our well in the first quarter of 2004(30.1 ug/L) is 15.1X above the EPA limit of 2 ug/L. This makes the well completely un-useable and is especially discouraging since we have just spent almost \$2000 to make the pump useable for a new research project.
3. The recommended clean-up dollar amounts do not go far enough since the strategy is pro-rated over a 20 year period. This does not help the local landowners who need to get this water coming from our pump accessible and useable immediately!
4. Because the well water is so contaminated and because the long-term consequences of animals eating and drinking these amounts is unknown, our research work has been drawn to a halt. WE are losing thousands of dollars every

## Response to Letter No. 04-04

*Dr. Booth presented these comments at the public hearing. See Public Hearing comment response document for responses.*

## Letter No. 04-04 (cont)

year because the water simply cannot be used. The risk is too great...we dare not draw on this resource.

5. Based on number four, I propose that EBCo finance a well-defined research study to help us determine the impact of contaminated water on small and large mammals and also upland game birds to determine the uptake, metabolism, distribution, and excretion of RDX and HMX at doses found currently in the wells. These studies would take from \$100,000 to 250,000 to complete and would definitively answer the question of the chronic impact of these compounds on animals in the food chain. We prefer this path rather than enter the long process of litigation. Everyone would benefit from such data and surely would add credibility to the confidence people would have in EBCo who would be contributing enormously to our understanding of the behavior of these compounds when consumed.
6. I strongly recommend that EBCo finance the acquisition of an industrial filter on our pump that would allow us to use the water for future research work so that we do not have to wait 20 years to use the water. These filters range in price from \$80,000 to 100,000 and would clearly show a good faith effort on the part of EBCo to fight this battle in the name of good science to help the local land owners stay in business.
7. We would like to work closely with the natural resource folks in collecting data that could be used for publication in the peer reviewed literature.
8. I recommend an open forum discussion in the very near future with our lab, the Department of Environmental Quality, The Department of Wildlife and Natural Resources, EBCo, and other stake holders in this issue to discuss the needs of the local landowners. A public comment period is quite frankly not enough! WE (all of us) need to sit in a room together and dialogue about what options the individual stake holders have. Surely this could benefit everyone.
9. Finally, it seems to us to be important to have a master plan that includes the private landowners...not eliminate them. The current plan is good, but simply too little too late. It must include the private landowners rather than simply state, "*the individual landowner must decide if the risk is personally acceptable.*" In other words what can be done in the near future to help offset the losses of the private landowners? Let's begin the dialogue now!

---

Gary M. Booth, Ph.D  
Department of Integrative Biology  
And Co-owner of 53 acres in Mapleton, Utah  
Brigham Young University  
Provo, Utah 84602

## Comments to Letter No. 04-04 (cont)

## Letter No. 04-05

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Patsy Heaps

Address: 422 S. Main Mapleton, UT 84664

Date: 9-10-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Department's invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton.

The Ensign Bickford Company should be made to:

- 1) Restore Mapleton's aquifer to the condition it was in before this company contaminated the water. It should not simply undertake to do the best they can do to bring it up to maximum drinking standards. There is a significant difference.
- 2) EBCO should be required to establish testing methodologies that can bring pollution levels down to a non-detectable level notwithstanding the costs involved.
- 3) EBCO should be required to pay the cost for verifying the existence of any of the breakdown contaminants of RDX, HMX and TNT.
- 4) The Utah State Department should demand the acceleration of the clean up proposal for the removal of toxic chemical contamination of the EBCO's soil that leaches pollutants into the aquifer.
- 5) The terms of the settlement proposal, under which EBCO's approval must be abstained during the three year clause, should be changed so that the State can utilize the \$2.58 million.

Thank you for your attention in assuring the residents of Mapleton have safe and clean drinking water.

Sincerely,

Patsy Heaps

## Response to Letter No. 04-05

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14.*
5. *See Response to Common Comment No. 5*

## Letter No. 04-06

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Samuel Francis

Address: 1336 North 1000 West Mapleton, UT 84664

Date: 9/10/04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton.

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- 5) The terms of the settlement proposal, under which EBCO's approval must be abstained during the three year clause, should be changed so that the State can utilize the \$2.58 million.

Thank you for your attention in assuring the residents of Mapleton have safe and clean drinking water.

Sincerely,

Samuel Francis

## Response to Letter No. 4-06

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*

## Letter No. 04-07

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Clay & Tina Gee

Address: 1619W 1320 N Mapleton, UT 84664

Date: 9-10-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton.

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- 1) Restore Mapleton's aquifer to the condition it was in before this company contaminated the water. It should not simply undertake to do the best they can do to bring it up to maximum drinking standards. There is a significant difference.
- 2) EBCO should be required to establish testing methodologies that can bring pollution levels down to a non-detectable level notwithstanding the costs involved.
- 3) EBCO should be required to pay the cost for verifying the existence of any of the breakdown contaminants of RDX, HMX and TNT.
- 4) The Utah State Department should demand the acceleration of the clean up proposal for the removal of toxic chemical contamination of the EBCO's soil that leaches pollutants into the aquifer.
- 5) The terms of the settlement proposal, under which EBCO's approval must be abstained during the three year clause, should be changed so that the State can utilize the \$2.58 million.

Thank you for your attention in assuring the residents of Mapleton have safe and clean drinking water.

Sincerely,

Clay \* [Signature]

## Response to Letter No.04-07

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*

## Letter No. 04-08

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Grace Butterfield

Address: 2082 W. 225 S. Mapleton, UT 84664

Date: 7-13-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 5) The terms of the draft settlement proposal, (under which EBCO's approval must be obtained during the three years) should be changed so that the State can utilize the \$2.58 million without having to obtain EBCO's approval.
- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Grace M. Butterfield

## Response to Letter No. 04-08

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-09

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Maria Ruiz

Address: 117 N 600 E Mapleton, UT 84664

Date: Sept. 13, 2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Maria Ruiz

## Response to Letter No. 04-09

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-10

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: RYAN PARHAM

Address: 1180 W. Maple St. Mapleton, UT 84664

Date: Sept. 13, 04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,



## Response to Letter No. 04-10

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-11

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Kenneth H & Judith L Jones

Address: 1425 N 1000 West Mapleton, UT 84664

Date: 9-13-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton.

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

## Response to Letter No. 04-11

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-12



**Paul R. Olson, D.D.S., M.S.**  
**Chris J. Trapnell, D.D.S., M.S.**

**Spanish Fork Office**  
175 West Center  
Spanish Fork, UT 84660  
(801) 798-8444

**Payson Office**  
801 South 400 West, Suite 202  
Payson, UT 84651  
(801) 465-7511

Members  
American Association of  
Orthodontists



September 14, 2004

From: Chris Trapnell  
209 S 975 W  
Mapleton

To: Utah Department of Environmental Quality – NRD Trustee, Dianne Nielson



This letter is in response to the notice you sent me concerning the damage claim against Ensign-Bickford, and their proposals for cleanup of the Mapleton contaminated water.

As a resident of Mapleton, I am deeply concerned about Ensign Bickford's clean up proposals. I feel their proposal is inadequate in addressing the real issue of water contamination, and their irresponsible actions should not be pacified. I feel it is not only my civic responsibility as a citizen of Mapleton, but also as a father of four young children to get involved in this issue. Why should my young family take the health risk, instead of EBCo paying the bill to clean it up the right way? Why should my family and a thousand others risk that what is most important (our health!!) so executives and attorneys of a multi-million dollar company can pad their pockets at our expense??

I fully support the city of Mapleton in pursuing a fair and ethical settlement. Please don't let my concerns, or the concerns of the residents of this wonderful city fall on deaf ears or hard hearts.

Sincerely,

Chris Trapnell

## Response to Letter No. 04-12

*See Responses to Common Comment 2, 6, and 13.*

## Letter No. 04-13



Bob & Ardella Spong  
1085 W. 1050 N.  
Mapleton, UT 84664

September 14, 2004

Utah Department of Environmental Quality---NRD Trustee  
Dianne R. Nielson, Ph.D.  
NRD Trustee/DEQ Executive Director  
PO Box 144810  
Salt Lake City, UT 84114-4810

Subject: Mapleton City water contaminated by Ensign-Bickford Co.



Mapleton City should not accept Ensign-Bickford's clean up proposals for remedy of Mapleton's contaminated water supply. The Department of Environmental Quality should obtain a proper and meaningful commitment from Ensign-Bickford to meet their full obligations to properly mitigate the damage inflicted on Mapleton City's water supply.

The proposed settlement agreement between the State of Utah and Ensign-Bickford falls woefully short in restoring the Mapleton aquifer to the condition it was prior to EBCo's contamination of the aquifer. It falls woefully short in protecting the citizens of Mapleton (and of the State of Utah). It falls woefully short with regard to imposing a reasonable penalty against EBCo to defer further contamination in the future. The Corrective Action Plan appears to contribute to drawing the contaminated plume northward toward Mapleton Well #1.

The proposed Agreement with EBCo does not require EBCo to restore the aquifer to the condition it was before EBCo contaminated the aquifer. The State of Utah should, and could, require EBCo to establish testing methods that can bring the pollution levels down to an amount that is as low as possible to detect. EBCo should pay the bill to clean up the contamination it caused, whatever the cost, instead of having Mapleton's citizens take a health risk.

Breakdown products such as RDX, HMX, TNT can be more toxic than the original chemicals. Utah State should require EBCo to test for any and all of such breakdown chemicals. When EBCo says it would be too costly, Utah State should say that the risk of loss of life and health to Mapleton citizens is too costly not to do such tests. The State should require EBCo to develop testing methods and use existing testing methods to test for toxic breakdown products.

If the State allows the Agreement to be signed as is, this might contribute to the migration of the contamination plume. The Mapleton Well #1 has been pumped on a full-time basis, and the pumping may actually be drawing the contamination plume further north. In a document, *Agreement to Stipulation and Consent Order*, which is part of the Agreement, the State acknowledges that "this approval is based primarily on information provided by EBCo." The State should seek a more objective opinion than EBCo's biased opinion.

The State has failed to expedite the cleanup processes at the EBCo site. EBCo soil is saturated with toxic chemicals which continue to leach into the aquifer. The State should expedite the remedy and cleanup of the aquifer and the site. The Agreement should require EBCo to admit to liability for contaminating the Mapleton aquifer.

The fines for EBCo noncompliance are far too small. EBCo made the contamination mess and should pay the \$9,375,000 to perform the Corrective Action Plan. If it takes more than 20 years, EBCo should pay the overrun. The \$2,580,000 that EBCo will put in a trust fund to remedy the Mapleton aquifer should not have that 3-year clause that restricts the State from proposing new remedy projects to clean up the aquifer.

The State should step forward and do whatever it can to protect citizens of Mapleton (and of Utah) from polluters. The State should do its best to see that the aquifer is cleaned up and to hold those who contaminated it to the highest standards in cleaning it up.

RECEIVED  
SEP 21 2004  
DIVISION OF  
WEATHER & CLIMATE

Robert Neil Spong  
1085 W. 1050 N.  
Mapleton, Utah 84664

Ardella C. Spong  
Ardella C Spong  
1085 W. 1050 N.  
Mapleton, Utah 84664

## Response to Letter No. 04-13

*See Response to Common Comment No. 4*  
*See Response to Common Comment No. 1 and 6*  
*See Response to Common Comment No. 11*  
*See Response to Common Comment No. 12*

*We recognize that EBCo has supplied much of the information. This data has also been reviewed by the State. EBCo has acknowledged the financial obligation for the collection of data and providing the resolution to these issues.*

*See Response to Common Comment No. 14.*

*See Responses to Common Comment No. 5 and 9. Further the \$2.58 million is not the source of funds to assure the remedy. The \$9,375,000 is the financial assurance that the remedy will be completed. This financial assurance will be reviewed annually for adequacy and adjusted if necessary.*

*See Response to Common Comment No. 4*

## Letter No. 04-14

Kaylene Andrew  
880 West 800 North  
Mapleton, Utah 84664

September 15, 2004

Utah Department of Environmental Quality-NRD Trustee  
Dianne R. Nielson, Ph.D.  
NRD Trustee/DEQ Executive Director  
P.O. Box 144810  
Salt Lake City, Utah 84114-4810

RECEIVED  
SEP 21 2004  
DIVISION OF  
WATER QUALITY

Dear Dr. Nielson,

I am writing as a concerned citizen of the city of Mapleton with regard to the recent proposal by Ensign-Bickford for remediation of our contaminated water supply. It is my opinion that their proposal is not good enough! Ensign-Bickford, in my opinion, is obligated to clean up the contamination they caused in it's entirety so that the water quality is returned to the quality it had before it was contaminated including doing whatever it takes to prevent contaminated water to spread further northward.

Please do whatever it takes to ensure me and my family that we can live here in Mapleton, a community we love, and not be afraid to drink the water here.

Thank you very much.

Sincerely,

*Kaylene Andrew*

Kaylene Andrew



## Response to letter No. 04-14

*We believe the Corrective Action Plan adequately addresses these issues.*

*See Response to Common Comment No. 4*

## E-Mail No. 04-15

**From:** "Richard Nixon" <rsnixon@msn.com>  
**To:** <nrdtrustee@utah.gov>  
**Date:** 9/15/04 7:25AM  
**Subject:** Contaminated Water Notice

I want to go on record that we should be restored to the way we were before they contaminated our aquifer. Thank you 260 W 2000 N Mapleton, Utah

## Response to E-Mail 04-15

*See Response to Common Comment No 4*

## E-Mail No. 04-16

**From:** Suzanne Wilkinson <suzanne\_w9@yahoo.com>  
**To:** <nrdtrustee@utah.gov>  
**Date:** 9/15/04 8:33PM  
**Subject:** Mapleton City vs Proposed Settlement with Ensign-Bickford  
(Trojan Plant)

Attn: Dianne R. Nielson

As residents of Mapleton City, we join our elected representatives in stating that we do NOT want to accept Ensign Bickford's cleanup proposals for remediation of our contaminated water supply. We need a proper and meaningful commitment from Ensign-Bickford to meet their full obligations to properly mitigate the damage inflicted on the City's water supply.

If the possibility truly exists for the contamination to be reversed, Ensign-Bickford should be required to fully fund such activities -- even if that requires liquidation of all Ensign-Bickford assets. If the nearly \$10 million mentioned in the state's proposal is sufficient, then set the deadline and let's get on with it. And, to motivate Ensign-Bickford to make the financing available, the state should impose daily fines to begin accruing within 60 days of the state giving them notice of their total financial obligation. Let the fines be significant -- as the City's response noted, the fine must be a real motivation, as in tens of thousands of dollars per day/penalty. The amounts proposed by the state are so small as to be meaningless.

Please ensure that the settlement leaves no question that the problem will be remedied.

Sincerely,

Suzanne and Matthew Wilkinson  
724 N 1600 E  
Mapleton, Utah  
84664

-----  
Do you Yahoo!?  
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## Response to E-Mail No. 04-16

*See Response to Common Comment No 2, 3, and 6*

## Letter No. 04-17

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Bob Nardisov

Address: 1472 W Mendota Mapleton, UT 84664

Date: 9/15/04


Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

- 1) Restore Mapleton's aquifer to the condition it was in before this company contaminated the water. It should not simply undertake to do the best they can do to bring it up to maximum drinking standards. There is a significant difference.
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- 4) The Utah State Department should demand the acceleration of the clean up proposal for the removal of toxic chemical contamination of the EBCO's soil that leaches pollutants into the aquifer.
- 5) The terms of the draft settlement proposal, (under which EBCO's approval must be obtained during the three years) should be changed so that the State can utilize the \$2.58 million without having to obtain EBCO's approval.
- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,



## Response to Letter No. 04-17

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-18

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: CHRISTINE ALLEN

Address: 825 E. 900 No. Mapleton, UT 84664

Date: 9-15-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for you attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Christine Allen

## Response to Letter No. 04-18

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14.*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-19

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Janice Scott

Address: 1363 N. 1200 W. Mapleton, UT 84664

Date: Sept 16, 2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Janice Scott

## Response to Letter No. 04-19

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-20

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Doris H. Halverson / Barbara H. Kisse /

Address: 64 So. 1600 West Mapleton, UT 84664

Date: September 17, 2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for <sup>YOUR</sup> attention in assuring the residents of Mapleton, safe and clean drinking water.

Sincerely,

Barbara Halverson Kisse /



## Response to Letter No. 04-20

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-21

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Wilda TANNER

Address: 312 N. 300 W. Mapleton, UT 84664

Date: 9-17-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Department's invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Wilda B. Tanner

## Response to Letter No. 04-21

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-22

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Valerie + Duke Seitz

Address: 1522 W Meadow Lane Mapleton, UT 84664

Date: 9/17/04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 2) EBCO should be required to establish testing methodologies that can bring pollution levels down to a non-detectable level notwithstanding the costs involved.
- 3) EBCO should be required to pay the cost for verifying the existence of any of the breakdowns contaminants of RDX, HMX and TNT.
- 4) The Utah State Department should demand the acceleration of the clean up proposal for the removal of toxic chemical contamination of the EBCO's soil that leaches pollutants into the aquifer.
- 5) The terms of the draft settlement proposal, (under which EBCO's approval must be obtained during the three years) should be changed so that the State can utilize the \$2.58 million without having to obtain EBCO's approval.
- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Valerie + Duke Seitz

## Response to Letter No. 04-22

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-23

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Erma H. Sayer

Address: 295 N 1600 W Mapleton, UT 84664

Date: 9-20-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton and safe and clean drinking water.

Sincerely,

Erma H. Sayer

## Response to Letter No. 04-23

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14.*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-24

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Lynnette Van Wagner

Address: 1905 S. 1600 W. Mapleton, UT 84664

Date: 9-20-09

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,



## Response to Letter No. 04-24

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-25

**David R. Nemelka**  
903 South 1250 East  
Mapleton, UT 84664  
(801) 489-9438

September 20, 2004



Dianne P. Nielsen Ph.D.  
Utah Department of Environmental Quality  
NRD Trustee/DEQ Executive Director  
PO Box 144810  
Salt Lake City, UT 84114-4810

Re: My formal response to the State of Utah's request for Mapleton citizens input on proposed Ensign Bickford/State of Utah settlement.

Dear Ms. Nielsen,

I am not sure if you viewed my personal letter to you dated September 1<sup>st</sup>, 2004 as an official response to the states request for Mapleton citizens input regards the EBCO, State of Utah settlement. Therefore I am writing this second letter to be of record recommending that you reject the proposed Ensign Bickford negotiated settlement offer.

As we have discussed personally, my objection is that Mapleton City, whose citizens are the harmed parties in the matter, have had little input into the purposed numbers or approach for settlement. I endorse Mapleton City Attorney Doug Thayer's comments read into the record the day of your public hearing.

**I strongly encourage** that you immediately invite Mapleton to form a delegation of professional citizens to represent the city in any further negotiations that take place.

As we discussed, I'd ask that you use your position of authority to encourage a **direct trading of water rights between EBCO and Mapleton City.** I believe EBCO will be more motivated to clean up their own water assets rather than those of Mapleton's.

I'd also encourage that any settlement provide a minimum of \$1,500,000 in settlement monies to be released immediately for the use of Mapleton City to develop their spring generated water rights up Maple Canyon as quickly as possible. **This solution could avoid any projected and avoidable water shortage in Mapleton over the short term.**

## Response to Letter No. 04-25

*See Responses to Common Comment No. 2 & 10*

## Letter No. 04-25 (cont)

I also believe that it would only be fair and prudent to require EBCO to bear the cost of building a water delivery system to Mapleton City, such as a 5,000,000 gallon tank, for the proposed exchanged water rights.

It would also seem logical to ask EBCO to double the size of the existing secondary water system to utilize more of the present water being processed and being disbursed in a pressurized irrigation system for Mapleton citizens, instead of having it flow unused into Utah Lake.

Lastly, there certainly should be some negotiated cash settlement which should be agreed upon directly between the two parties. That amount should be whatever the two can agree upon.

Thank you for both your professional and personal efforts to bring this matter to closure.  
IT IS TIME FOR A SETTLEMENT.

Respectfully,



David R. Nemelka

cc: Mapleton City Mayor, Dean Allen  
Mapleton City Attorney, Doug Alsop  
James Holtcamp Esquire

## Response to Letter 04-25 (cont)

## Letter No. 04-26

September 21, 2004

Utah Dept. of Environmental Quality.  
Dianne R. Nielson Ph.D.  
NRD Trustee/DEQ Executive Director  
P.O. Box 144810  
Salt Lake City, Ut 84114-4810

Dear Dr. Nielson,

I am very upset about the proposed settlement with Ensign Bickford (Trojan Plant) in regard to Mapleton, Utah water quality!

It is not acceptable. We as residents of Mapleton deserve quality water for our families

They have caused the problem and they should clean it up.

I believe if you lived in this community you would not settle for a bare minimum clean up. I know that you would want safe water for your loved ones so that you would not have to face the possibility of cancer or other illnesses.

Please know that I am vehemently opposed and expect something far better from them in meeting their obligation to the damage that has been done.

Thank you.

Valerie Dennis  
130 E 1400 N  
Mapleton, Ut. 84664



## Response to Letter No. 04-26

*The Corrective Action Plan (CAP) for cleanup of soils and wastes on the Trojan site was approved and implemented to require Ensign-Bickford to remove past contamination and remove sources so that there would not be future contamination.*

*The cleanup levels established in the CAP are based on the objectives of cleaning up and protecting the aquifer as a drinking water source. The CAP for groundwater cleanup specifies that the minimum clean up level for RDX is 2 µg/L (2 ppb). In addition, the outflow from the treatment system is and will remain below the detection limit of 0.21 µg/L (0.21 ppb) for all Constituents of Energetic Materials listed in the CAP.*

*See also Responses to Common Comments No. 4 and 14.*

## Letter No. 04-27

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Steve Barker

Address: 853 N 1140 W Mapleton, UT 84664

Date: 8-21-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Department's invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Steve Barker

## Response to Letter No. 04-27

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-28

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Nancy Padgett

Address: 858 N. 1190 W Mapleton, UT 84664

Date: 9-21-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,



## Response to Letter No. 04-28

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-29

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Keith & Marilyn Stirling

Address: 1468 South Main St Mapleton, UT 84664

Date: Sept 22, 2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Keith Stirling

## Response to Letter No. 04-29

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

Letter No. 04-30

715 E 540 N  
Mapleton, Utah  
84664



To Whom it May Concern,

We are residents of Mapleton, Utah. We have grandchildren also in this area. We feel strongly that our city desperately needs a proper and meaningful commitment from Ensign-Bickford to meet their full obligations to properly mitigate the damage inflicted on the City's water supply.

We must have uncontaminated water for the health and safety of all our citizens.

Thank you. Robert B. Saben  
Patricia J. Saben

Response to Letter No. 04-30

See Responses to Common Comment No. 2 and 4

## Letter No. 04-31

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Charlotte Thatcher

Address: 1882 E. Maple St Mapleton, UT 84664

Date: 9/22/04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Charlotte Thatcher



## Response to Letter No. 04-31

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-32

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Don B Perry

Address: 325 E 1600 S Mapleton, UT 84664

Date: 9-22-2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water. My mother died of cancer. I don't know if it was related to the contaminated water but I don't think the Mapleton residence should have to be exposed to ANY level of contamination. I also think all private wells should be tested without cost.

Sincerely,  
Don B Perry

## Response to Letter No. 04-32

1. See Response to Common Comment No. 4
2. See Response to Common Comment No. 4
3. See Response to Common Comment No. 12
4. See Response to Common Comment No. 14
5. See Response to Common Comment No. 5
6. See Response to Common Comment No. 2

Many private wells have been tested, some by Utah County Health Department, some by the State, and others by EBCo. Those wells that have been tested were either part of the on-going investigation or tested at the well owner's request. If you believe your well has been impacted, and the state has not yet looked at it, contact Keith Eagan at the Utah Division of Water Quality, 801-538-6017, to see if you qualify for testing.

Please accept our condolences for the loss of your mother.

## Letter No. 04-33

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Charlette Henrie

Address: 325 East 1100 South Mapleton, UT 84664

Date: 9/23/04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Charlette Henrie



## Response to Letter No. 04-33

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-34

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Darren Henne

Address: 325 E. 1600 S. Mapleton, UT 84664

Date: Sep 23, 2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Darren Henne



## Response to Letter No. 04-34

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter -No. 04-35

24 September 2004

Dr. Dianne R Nielson, Ph.D.  
NRD Trustee/DEQ Exec. Dir  
nrdrtrustee@utah.gov

### Re: Public Comment – Trojan Plant Cleanup

Dear Dr. Dianne R Nielson, Ph.D.:

I am currently serving as a Mapleton City Council Member and a citizen who has been very close to the EBCo problem for the past two (2) years.

Working closely with Mapleton's special counsel, Doug Thayer, Esq., we as a city have investigated the facts and we are aggressively pursuing to both protect our citizens and find a way to provide future generations with pure, clean water.

Working in many closed meetings pursuant to Utah Code, Sec. 52-4-6, we have collectively identified numerous facts and significant information that will be unveiled as this legal process unfolds under Mr. Thayer's professional direction. We also confirm that several expert witnesses and hundreds of boxes of evidence are still being investigated. There is much work to be done.

One example of how important it is to continue this investigation was disclosed in the recent Mapleton City Response to State of Utah Proposed Settlement with Ensign-Bickford (Trojan Plant)... Mr. Thayer states...the State may actually be contributing to the migration of the contamination plume by allowing this Agreement to be signed "as is". The City has recently discovered a May 23, 1997 *Ground Water Modeling Report*, created by Environmental Resource Management ("ERM"). ERM is an environmental consulting firm used by the EBCo group to do groundwater modeling of the underground contaminants in the Mapleton aquifer. At page 15 of the report that is in the City's possession, it states that **"it is not necessary to operate the Mapleton Well No. 1 for the purpose of intercepting and preventing the nitrate/RDX plume from migrating further north. On the contrary, continuous operation of Mapleton Well No. 1 will spread the contamination by encouraging a nitrate/RDX plume to migrate towards Mapleton Well No. 1."**...For years now the Mapleton Well No. 1 has been pumped on a full-time basis and, in fact, the pumping may actually be drawing the contaminate plume further north. How could this happen?...

I am totally unimpressed that EBCo and certain prior owners have spent over \$15 million to date. The cleanup job is not complete, the Investigation needs to continue, new and damaging facts are being identified, and the citizens of Mapleton cannot be guaranteed clean water for generations to come.

Knowing what we, as Mapleton city officials know, I implore you NOT to finalize your settlement with EBCo. In 1997, Mapleton signed some kind of settlement with EBCo and we have regretted that and I am certain that was the wrong course of action. Please do not make the same mistake.

As an elected official and a very concerned citizen, I offer to do whatever I can to help rectify this environmental catastrophe or bring to justice those who are to blame. I ask you to exercise your substantial influence to protect Utah citizens.

Thank you in advance for your needed help.

Sincerely,

Ben Card

## Response to Letter No. 04-35

*See Response to Common Comment No. 11*

## Letter No. 04-36

24 September 2004

Dr. Dianne R. Nielson, Ph.D.  
NRD Trustee/DEQ Exec. Dir  
[nrdtrustee@utah.gov](mailto:nrdtrustee@utah.gov)

### Re: Public Comment – Trojan Plant Cleanup

Dear Dr. Dianne R Nielson, Ph.D.:

I am a citizen of Mapleton, Utah and have lived there for 32 years. I am aware of the ongoing EBCo problem for the past two years. When we moved to Mapleton and raised four children there we were always excited that we had good water for our needs. The revelation of Trojan Plant being a major contributor to contaminating Mapleton's wells and water has been a huge concern for our family and neighbors.

Since we learned of the contamination of our water we have installed a reverse osmosis system in our home for drinking and cooking purposes. My son and daughter, who also live in Mapleton with their families, have also taken measures to safeguard their drinking water. These safeguards have been a big expense to our families and the ongoing expense of purchasing new filters is an additional financial strain. It does give us a safer feeling to drink pure water but there is also a concern about the water we bath in, wash our hair in and water our gardens with. Will we receive adverse affects from these things that we do not have the funds to safeguard?

Yesterday I had lunch with two ladies in Mapleton and the topic of Mapleton's water came up. They both said that they too have reverse osmosis systems in their homes as do many of their neighbors.

I think that the State of Utah should ensure the citizens of Mapleton the right of clean pure water, free of Trojan plants contaminations. The State of Utah should protect the citizens of Mapleton as they do other citizens in Utah towns. A question to ask yourself might be "How would I feel about this if I lived in Mapleton". I am concerned for myself, my husband, my children and my grandchildren who live in Mapleton. I am totally unimpressed that EBCo and certain prior owners have spent over \$15 million to date. The cleanup job is not complete, the Investigation needs to continue, new and damaging facts are being identified, and the citizens of Mapleton cannot be guaranteed clean water for generations to come.

I implore you NOT to finalize your settlement with EBCo. In 1997, Mapleton signed some kind of settlement with EBCo and we have regretted that and I am certain that was the wrong course of action. Please do not make the same mistake.

I ask you to please exercise your substantial influence to protect the citizens of Mapleton, Utah.

Thank you in advance for your needed help.

Sincerely,

Alicia R. Cluff

## Response to Letter No. 04-36

*In regard to safe drinking water, the Utah Division of Drinking Water (DDW) is the responsible regulatory authority that safeguards public drinking water supplies. The DDW certify quarterly that the public water supplies meet adequate requirements for distribution to the public. There have been no violations of drinking water quality standards by the drinking water system for Mapleton. No one within the impacted area is deriving his or her drinking water from private wells. Further, it is the Department's understanding that the institutional controls, as specified in the Corrective Action Plan, require new homes being built to hook up to the Public Water Supply System. The water being produced by the treatment plants are not currently part of Mapleton City's Public Water Supply System, although it has been certified by DDW that water from the treatment plants can be used as drinking water if the City so chooses. In addition, home filtration for publicly supplied drinking water is in common use throughout the country.*

*See also Response to Common Comment No. 4 and the response to E-mail No. 04-45.*

## Letter No. 04-37

SEP-24-2004 FRI 04:09 PM HILL, JOHNSON & SCHMUTZ FAX NO. 801 375 3865

P. 01

### HILL, JOHNSON & SCHMUTZ A LIMITED LIABILITY COMPANY

RICHARD L. HILL  
P. McKay JOHNSON  
EVAN A. SCHMUTZ  
Wm. KELLY NASH  
STEPHEN QUESENBERY  
DOUGLAS B. TITAYER

ATTORNEYS AND COUNSELORS  
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TELEPHONE (801) 375-6600  
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SCOTT L. SOELBERG  
M. REED ADAMS  
LANCE N. LONG  
CURTIS R. HUSSEY  
CURTIS B. HOFFMAN  
BRYAN QUESENBERY

September 24, 2004

SENT VIA FACSIMILE & U.S. MAIL

Diane Nielson  
State of Utah  
Dept. Of Environmental Quality  
168 North 1950 West  
Salt Lake City, Utah 84116

Re: Public Comment Re: Ensign Bickford Agreements

Dear Ms. Nielson:

Please find enclosed a number of documents that I have recently discovered and which I believe should give the State pause with regard to entering the pending agreements with Ensign Bickford. At a minimum, the City of Mapleton would certainly like you to answer the questions raised by these documents.

The first is a March 29, 1996 letter from Mallinckrodt to Ensign Bickford lawyers regarding the Phase I RCRA Facility Investigation. The intent as described in the letter is to "minimize the detail and the extent of commitments in submissions" to the State. They also describe how it is "imperative to limit the costs and the future claims at this site." We believe that has always been the intent of these entities and that is how they have prepared submissions to the State.

The second is a February 1997 document that the Ensign Bickford folks used as a "Project Status and Update" wherein on page 1, they note that their consultant "ERM" was "concerned that pumping Mapleton 1 as a barrier well may induce conditions in area of Ruff/Stevens toward Mapleton 1." Was this information ever passed on to the State? If so, what was the State's response? On page 4 of this same document the question is raised "HOW CAN WE MINIMIZE POTENTIAL FOR ERM MODELING TO BECOME PUBLIC, ESPECIALLY SINCE DEQ WILL CERTAINLY ASK QUESTIONS ABOUT IT?" We have seen no reference to the ERM report in the CAP. Can you tell us what the State knows and/or knew about the ERM report and how it factored into the CAP?

The third document is an Ensign Bickford "Notes of Meeting with Don Ostler on Oct. 8, 1997." There is so much in this letter I cannot summarize it all. Therefore, I raise the following points: "North End" comments refer to a number of concerns of Mr. Ostler's that appear to put him



## Response to Letter No. 04-37

*Point 1: Irrespective of any communications between the companies, the Department of Environmental Quality (DEQ), through its Divisions, and the Trustee for natural resource damages have required thorough evaluations of contamination, implementation of cleanup programs for both groundwater contamination and the Trojan onsite cleanup, monitoring of the groundwater cleanup treatment, financial assurance that the cleanup will be completed, and additional funding of \$2.58 million "to restore, replace, or acquire the equivalent of the damaged groundwater for the public in the affected area."*

*Point 2: See Response to Common Comment No. 11.*

*Point 3: DEQ management and technical staff have remained focused and committed to cleaning up the contamination and providing funding to "restore, replace, or acquire the equivalent" of the damaged groundwater resource for the benefit of the public in the affected area. DEQ has worked with Mapleton City and Ensign-Bickford in order to accomplish these goals.*

## Letter No. 04-37 (cont)

SEP-24-2004 FRI 04:09 PM HILL, JOHNSON & SCHMUTZ FAX NO. 801 375 3865

P. 02

and the State on Ensign Bickford's side and adverse to the City of Mapleton. On page 2 there is a reference to Mr. Ostler's not being up to speed on the project, which is something the City has complained about all along the way, i.e., Ensign Bickford was running the show.

The fourth document is a November 3, 1997 memo regarding the ERM proposal for data visualization that the parties felt would not benefit them and were concerned about how to defend their "depiction" to the DEQ, as well as their need to keep everything under the attorney-client and work product privileges in case the numbers were not what they liked. They also indicate that while the numbers "may be of benefit to us in understanding the project .... [they] may or may not be beneficial in our negotiations with the DEQ." Again, these parties were more concerned about their positions, before they were concerned about the reality of the data, whatever that data might show.

Finally, the last document we have recently obtained is a November 25, 1997 memo about the visualization data provided by ERM that they decided to not show the State. In addition, they again discuss the need to make sure they are covering their litigation exposure and not simply try to tell the truth.

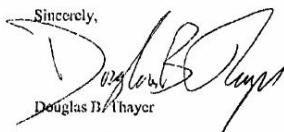
These documents indicate an attitude or atmosphere created by Ensign Bickford and company, that we believe contaminates and puts into question much of what they have told the State regarding the realities of the water quality in Mapleton, as well as the appropriate method of cleaning it up, as well as the cleanup of the site.

As we continue our investigation, I would appreciate your accommodating our providing additional information as we discover what the truth is about the information Ensign Bickford has previously given to the State. We hope the State will not come to an agreement with Ensign Bickford at this time and will wait to see what else can be discovered about what they have or have not, shared with the State in this process.

The City of Mapleton also hopes that you will provide us with a written response as to what the State knew about the matters raised in these documents and what was ultimately done by the State to ensure that Ensign Bickford did not do only act in its best interest, as opposed to the best interest of the citizens of Utah.

Thank you for your consideration of our concerns in this matter.

Sincerely,



Douglas B. Thayer

cc: Mayor Alan

## Response to Letter No. 04-37

*Point 4: DEQ has been objective, open and forthright and made extensive efforts to provide information to the public, explain decisions on cleanup programs, and provide monitoring results and other information to Mapleton and its citizens.*

*Final Point: ERM and their representatives concluded that the ERM report in question was in error. And as noted above, the ERM report was not relied on for the groundwater cleanup.*

*DEQ will continue to oversight and provide updates on the cleanup work, provide notification to the city of cleanup activities, answer questions, help to solve problems, and work to complete the cleanups.*

## Letter No. 04-38

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From:

Address: 235 W. Maple ST Mapleton, UT 84664

Date:

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

- 1) Restore Mapleton's aquifer to the condition it was in before this company contaminated the water. It should not simply undertake to do the best they can do to bring it up to maximum drinking standards. There is a significant difference.
- 2) EBCO should be required to establish testing methodologies that can bring pollution levels down to a non-detectable level notwithstanding the costs involved.
- 3) EBCO should be required to pay the cost for verifying the existence of any of the breakdowns contaminants of RDX, HMX and TNT.
- 4) The Utah State Department should demand the acceleration of the clean up proposal for the removal of toxic chemical contamination of the EBCO's soil that leaches pollutants into the aquifer.
- 5) The terms of the draft settlement proposal, (under which EBCO's approval must be obtained during the three years) should be changed so that the State can utilize the \$2.58 million without having to obtain EBCO's approval.
- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Robert L. Beckstrand

## Response to Letter No. 04-38

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-39

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Maris R. Evans

Address: 2001 S. Main Mapleton, UT 84664

Date: 9-24-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,



Have acquired Kidney Cancer. Since living in one of the most polluted areas in Mapleton for 8 years

## Response to Letter No. 04-39

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-40

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Charlotte Bower

Address: 790 E 400 N Mapleton, UT 84664

Date: 9-24-04

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,



## Response to Letter No. 04-40

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-41

September 24, 2004



Utah Department of Environmental Quality – NRD Trustee  
Dianne R. Nielson, Ph.D.  
NRD Trustee / DEQ Executive Director  
P.O. Box 144810  
Salt Lake City, UT 84114-4810

RE: Mapleton City Water Issue / Trojan

Dear Dr. Nielson,

I write reluctantly. Sometimes it is not popular to say the truth. I know there has been much mass hysteria in Mapleton regarding the contamination of the groundwater on the south side of the City, allegedly from the Trojan Plant. As a trained chemist and as a physician I take issue with the City. First of all, the levels of contamination found are so low; well below any recognized health hazards that this should be a non-issue. We must remember that as instrumentation becomes more sensitive we will pick up all kinds of things in our environment such as traces of solvents from paint, carcinogens emitted from smoke, even the plastics that contain our food will have traces of chemical precursors and byproducts which could be alleged to be dangerous to our health. All around us we are showered by cosmic radiation and from the very building materials we use, natural radiation is emitted. In other words, there is finite risk all around us. It must be put in perspective. For example, the nitrates have been alleged as one of the most serious aspects of this contamination. However, these nitrates are used ubiquously within the body and are an important intermediary for many processes such as dilatation of blood vessels. Many patients use nitrates on a daily basis to treat angina. I have enclosed an article from the September 2004 Edition Scientific American that refutes the notion that nitrates are bad for you.

The second reason I take issue with this is that Trojan corporation acted in good faith, settled with the city, and provided millions of dollars for a secondary water system. It also settled a lawsuit with numerous individuals including the Nemelka's and the Petersens who now have turned and attacked this company shamelessly. The unfortunate fact is that people die. Furthermore, people get cancer. In the United States about 25% of people will die from cancer. To claim the cancer deaths in Mapleton these were caused by the vanishingly small traces of RDX and nitrates in the groundwater of Mapleton is simply nonsense. This is junk science. It is time for the honest people of Mapleton to get off the lawyers lotto.

## Response to Letter No. 04-41

*Comment noted.*

*The EPA establishes the Health Advisory for lifetime exposure of RDX at 2µg/L (2ppb).*

### Letter No. 04-41 (cont)

Utah Department of Environmental Quality – NRD Trustee

September 24, 2004

Thirdly, I am disappointed by efforts of people who are trying to benefit economically from this issue to portray our beautiful city as another Love Canal. Is this how we want people to think of Mapleton?

Sincerely,



Wendell A. Gibby, MD  
695 East 1700 North  
Mapleton, UT 84664

P.S. I have included a letter I wrote to Mayor Maxfield of Mapleton City in 1995 regarding this issue.

### Response to Letter No. 04-41 (cont)

## Letter No. 04-42

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: HAROLD G JOHNSON

Address: 1225 NORTH 1380 WEST Mapleton, UT 84664

Date: SEPT 24/2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 5) The terms of the draft settlement proposal, (under which EBCO's approval must be obtained during the three years) should be changed so that the State can utilize the \$2.58 million without having to obtain EBCO's approval.
- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Harold G Johnson



## Response to Letter No. 04-42

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## Letter No. 04-43

To: Utah Department of Environmental Quality  
Dianne R. Nielson, NRD Trustee/DEQ Executive Director

From: Linda J. Brown

Address: 1345 W 2000 N Mapleton, UT 84664

Date: Sept 24, 2004

Regarding: Ensign Bickford (Trojan Plant) Contaminated Water Clean Up Proposal

In response to the State Departments invitation to comment on Ensign Bickford Company's (EBCO) proposals for cleansing the contaminated water in Mapleton City, I wish to object most strongly. The proposal falls far short of what this company should be obliged to do to restore the aquifer pollution it has caused in Mapleton. The Ensign Bickford Company should be made to:

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- 6) EBCO should be made responsible for furnishing a clean water supply to Mapleton throughout the City's build out as of the year the 2050.

Thank you for your attention in assuring the residents of Mapleton safe and clean drinking water.

Sincerely,

Linda J. Brown



## Response to Letter No. 04-43

1. *See Response to Common Comment No. 4*
2. *See Response to Common Comment No. 4*
3. *See Response to Common Comment No. 12*
4. *See Response to Common Comment No. 14*
5. *See Response to Common Comment No. 5*
6. *See Response to Common Comment No. 2*

## E-Mail No. 04-44

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:42PM  
**Subject:** Fwd: Settlement with Ensign-bickford

>>> "B Kappen" <[bjjink@hotmail.com](mailto:bjjink@hotmail.com)> 09/17/04 09:27AM >>>  
I support Mapleton City's response to the State's proposed settlement with Ensign-Bickford regarding contamination of the aquifer. The proposal seems insufficient in all respects. Our citizens deserve better protection of health than what this proposal indicates.

A. H. Hickman  
Mapleton

---

Don't just search. Find. Check out the new MSN Search!  
<http://search.msn.click-url.com/go/onm00200636ave/direct/01/>

## Response to E-Mail No. 04-44

*Comment noted. See response to the City of Mapleton's comments, Response to Letter No. 04-37.*

## E-Mail No. 04-45

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:43PM  
**Subject:** Fwd: water issue

>>> "Rick-n-Cathy Jones" <jones\_clan@mstar2.net> 09/21/04 02:37PM >>>  
st1\:\*{behavior:url(#default#ieooui)}Dear Dianne, I am sending you this  
e-mail because I want my concerns to be heard about the problems with Mapleton  
City's polluted aquifer. I realize that there is so much complicated  
information on the issue and that I am no expert but I do have opinions on the  
subject. I moved here in 1993 and am hoping that my family has been safe from  
the pollutants that leached into the water and that those wells were no longer  
being used. I love my neighbor's and feel so much concern for their health as  
I watch many of them die and suffer from complications resulting from  
contaminants in the water. I think study's that have been done in the general  
area of Mapleton have not shown any greater number of cancers and illness than  
other places but I don't think they have ever ran a specific study on the  
south end of Mapleton. Three people living right around the area of the  
corner of Main and 1600 South have had brain tumors. This should result in  
some kind of stuffy. Has any of this been documented? Since I have lived  
here I have known a number of people who have died from or who have had cancer  
just in a mile radius of my home. That is a sad thing. Personally, I am  
concerned that the ground in which I have planted fruit trees might be  
contaminated and thus the fruit no good to eat. How can we find out about  
such things? Is the irrigation water still contaminated and to what extent?  
I would be concerned with this because of irrigating fields that have animals  
grown for meat grazing on those fields? The people of Mapleton deserve some  
kind of redress. I realize that some have sued in class action suits but the  
City has been harmed too and is struggling for clean water to meet the needs  
its citizens and as a result of polluted aquifers, it is becoming increasingly  
difficult. There needs to be some kind of negotiation between the State  
(which should be protecting its citizens), EBCo (which should clean up its  
mess), and the City of Mapleton (who have been harmed). I apologize for not  
being at the open house meeting as somehow I missed it and didn't pay  
attention to the date or was not informed as to its purpose. Please accept  
these concerns that I have and try your best to come up with a solution that  
holds EBCo accountable to remedy, to the satisfaction of Mapleton residents,  
the damage they have caused with their contaminants. Thank you for your  
time. Sincerely, Cathy L. Jones142 E. 1600 S.Mapleton, UT 84664801  
489-8724jones\_clan@mstar2.net

## Response to E-Mail No. 04-45

*The Mapleton #1 well was off line when discovery of RDX was made in 1994. During that initial discovery, RDX did not exceed the Health Advisory of 2 µg/l (2 ppb). That well has never been put back into service and does not provide drinking water to the City of Mapleton. No other well serving the City of Mapleton's drinking water system has ever had a detection of Concentration of Energetic Materials, nor has Nitrate ever been confirmed to exceed the Maximum Concentration Limit of 10 mg/L. Also see Response to Common Comment No. 7.*

*See Response to Common Comment No. 13*

## E-Mail No. 04-46

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:43PM  
**Subject:** Fwd: Mapleton Water

>>> <Wmorte@aol.com> 09/22/04 04:03PM >>>

I am a 10 year citizen of Mapleton, Utah. I want you to know that I concur with the Mapleton City position that we do not want to accept the Ensign Bickford clean up proposal for remediation of our contaminated water supply.

Ensign Bickford has a responsibility to meet their full obligation to properly mitigate the damage inflicted on our city's water supply. I hope that the Department of Environmental Quality will fully support Mapleton City's position.

Thank you,  
Kelly Mortensen

## Response to E-Mail No. 04-46

*Comment noted. See the response to the City of Mapleton's comments, Response to Letter No. 04-37.*

## E-Mail No. 04-47

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:43PM  
**Subject:** Fwd: Mapleton Settlement with Ensign-Bickford

>>> "GayLynn" <gaylynn@byu.edu> 09/22/04 08:28AM >>>  
September 17, 2004 Dear Ms. Nielsen, As a resident of Mapleton, Utah, I am writing in response to the proposed settlement with Ensign-Bickford Company. I am very concerned that this settlement is short sighted and at the very least, endangers the health and welfare of the citizens of Mapleton, who are also citizens of the State of Utah. We have been in a state of drought for the past six years. The pumping that has already occurred may solve a temporary problem, but there is no way to guarantee that in the future as the aquifer lowers, due to drought; or raises if we come out of a drought, that it will not hit another pocket of chemical contamination. It would be absurd to think that one aquifer does not affect the whole underground system, or that we know exactly what is happening underground. What is to stop the contamination spread to other wells in Mapleton, or for that matter, a neighboring city? Also, research has proven that the breakdown products of RDX, HMX, TNT, etc. are more toxic than the original chemicals. Why hasn't more research and testing been done to make sure that these chemicals are not in the water supply? To suppose that one test in the 1990's is sufficient for finding out what has happened to those chemicals, especially in light of the drought conditions the last six years, is irresponsible; given the risk that is involved to the residents of this city. In regards to the three year clause that states that unless EBCO agrees to any proposed project within the first three years of this agreement that the project cannot even be considered by the State; is in essence giving away our right to hold EBCo accountable for serious problems that be discovered in the future. This problem has thus far taken far longer than three years to treat and most likely will not be completely taken care of in the next three years. I ask that you will hold the Ensign-Bickford Company more responsible and protect the lives of the citizens in Mapleton now, as well as those citizens that move here in the future - all of whom should be able to enjoy clean culinary water as citizens of Utah. Too many tragic deaths and lives have already been affected. Please CAREFULLY consider the choice you are making on our behalf Thank you for your time and consideration in this matter. Sincerely, GayLynn & David W Jensen 525 W 3050 S Mapleton, UT 84664 GayLynn

## Response to E-Mail No. 04-47

*See Response to Common Comment No. 3.*

*For answers on breakdown products, see Response to Common Comment No. 12.*

*For answers on the 3-year period, see Response to Common Comment No. 5.*

*For answers on third party resolution, see Responses to Common Comment No. 9 and 10.*

## E-Mail No. 04-48

**From:** nrdtrustee  
**To:** Keith Egan  
**Date:** 9/28/04 3:43PM  
**Subject:** Fwd: Mapleton Contaminated Water

>>> "Jane Little" <[little871@rfburst.com](mailto:little871@rfburst.com)> 09/22/04 09:09PM >>>  
Why is the State in such a hurry to settle this lawsuit since we don't know where this plume is going or how long it will take to clean it up?

What happens if the plume is still there when your time frame has expired? Is the State going to step in and pick up the bill, or will Mapleton residents be stuck with the clean-up bill?

After all, Mapleton didn't cause this problem and we feel there is no reason that Ensign-Bickford should be let off the hook so easily. There needs to be some protection for Mapleton residents.

DO NOT SETTLE THIS CASE NOW!

Don and Jane Little

## Response to E-Mail No. 04-48

*It was in the best interest of the public to initiate removal of contaminants from the groundwater as soon as the cleanup plan was determined. That was accomplished through the Stipulation and Consent Order of the Board of Water Quality. That treatment process, the Granulated Activated Carbon (GAC) system, has been effective in removing nitrates and Constituents of Energetic Materials (CEMs) from the groundwater. Interim Measures were implemented as early as 1998 in order to proceed with actual cleanup. Likewise, moving forward at this time with a Consent Agreement regarding Natural Resource Damages, will enable the Trustee to consider and approve funding for a plan to "restore, replace, or acquire the equivalent of the of the damaged (groundwater) for the benefit of the public."*

*See also Response to Common Comment No. 3.*

## E-Mail No. 04-49

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:44PM  
**Subject:** Fwd: Mapleton

>>> "Jen Barney" <[jen@prolooksports.com](mailto:jen@prolooksports.com)> 09/22/04 09:55PM >>>  
As a representative for Utah, you must ensure that EBCo take every measure possible to ensure the lowest levels of contaminants. Even a low number is not acceptable, but must be the lowest possible. When human lives and families are at risk, then there really is nothing to argue. It is as simple as that. If you call the illnesses a coincidence, then you are doing so for peace of mind, because they are not. In addition, over time who is to say that the illnesses will become exponential as the contaminants are in our residents over a period of time, just not apparent yet? Unfair is not even a word to describe the injustice of one entity (EBCo) affected thousands of residents. Please make them 100% responsible to do all possible and in a expedited manner. Jennifer Barney675 W 1600 SMapleton, UT 84664

## Response to E-Mail No. 04-49

*See Response to Common Comment No. 4 and 13.*

## E-Mail No. 04-50

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:44PM  
**Subject:** Fwd: Ensign-Bickford (Trojan Plant) contamination of the Mapleton aquifer

>>> <Rldavis00@aol.com> 09/24/04 08:16AM >>>  
Dear Department of Environmental Quality, 22 Sep 04

I am writing this email to express my concern over the proposed settlement with Ensign-Bickford (Trojan Plant) regarding contamination of the Mapleton aquifer. My main concern is that the agreed upon amount of \$12 million is likely to be too small an amount. Spending \$9M over 20 years amounts to less than \$.5M per year which probably amounts to what it costs to keep the pumps running.

Further, \$2.5M to restore, replace, or acquire the equivalent of the injured ground water in the impacted area seems inadequate. I recognize this is a difficult problem--you just can't clean up the contamination and haul it away. It seems to me that \$2.5M wouldn't even cover earth removal in a simpler problem, let alone begin to address the potential costs of truly restoring the injured ground water.

The infamous Love Canal, which now covers 70 acres cost Occidental Chemical Corporation over \$129M. Although I don't know exactly how many acres the EBCo contamination covers, I think it's a lot more than 70 acres.

I spent 20 years in government service with the U.S. Air Force. We routinely had to deal with changes of several million dollars for programs much less complex than environmental cleanup. We considered such changes almost a change. \$12M seems like a pittance of the potential cleanup costs.

I recommend a more rigorous cost analysis be conducted to ensure enough money is set aside, with minimal restrictions and control by Ensign-Bickford and maximum flexibility (with appropriate accountability) for the State to work with Mapleton City to resolve unforeseen circumstances on this project.

Sincerely,

Roger L. Davis  
1464 North 200 West  
Mapleton, UT 84664  
(801) 491-3178

## Response to E-Mail No. 04-50

*See Response to Common Comment No. 3, 6, 8 and 9.*

*The CAP and related settlement agreements do not resolve contamination problems on the Trojan facility. The Utah Division of Solid Hazardous Waste is addressing those issues and a separate Settlement Agreement covers that cleanup. Ensign-Bickford Company has treated or removed contaminated soil from the site and burned or dismantled building and structures as part of the site cleanup.*

*See also Response to Common Comment No. 14.*

## E-Mail No. 04-51

## Response to E-Mail No. 04-51

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:44PM  
**Subject:** Fwd: Mapleton water issues

>>> "Brenden Taylor" <brendentaylor@mail.mstar.net> 09/23/04 04:15PM >>>  
Greetings! I just wished to voice my concerns as a property owner and future resident in the great town of Mapleton over what seems to me as blatant surrender to the special interests of one company at the cost of the immediate and long term health of the municipality and its residents. I say that both economically and medically. Nobody will want to live or invest in a community sullied by toxic waste.

I was reluctant to buy there because of it, but was reassured by the realtor and title company that the issue had been resolved. Imagine my consternation when I discovered it was far from such, and here I was planning on moving my family right into the middle of it. I now learn instead of a history of cancer and other sordid illness, concentrated such as to remove any serious consideration of mere genetics as the cause, all around the area we had proposed to live. And I must give pause and reconsider our plans.

I am concerned that the money being held in trust is not nearly adequate to meet the need at hand, and that there are no provisions to make sure the whole job is adequately funded to ensure it's proper resolution from the get go; that the company responsible for the mess has any say or check in how the city chooses to spend it, and that it will be returned to them if it is not spent in a certain window of time.

I am concerned over the continued glossing over of the facts of health issues and deaths relative to the problem, and that those responsible for its creation have only a limited liability in ensuring it's correction. No, I don't have any idea what it would cost to clean the whole thing and restore it to it's pre-polluted state. Millions, I am certain. But that is nothing compared to the cost of human life already lost and escalating medical bills of the rest of the residents affected, current and future. Innocent people all, guilty only of pursuing those freedoms guaranteed in the foundation of this great country and state on their own land, in their own community.

Now they are to be held responsible for the resolution of a problem created miles away which has, for many, severely affected their ability to pursue those very same basic freedoms. All because those responsible for it's creation say it will be too costly for them to foot the bill. Perhaps they ought to have considered the cost before they began their negligent management.

I was always taught that when you make a mess, you clean it up. I can't see why it should be any different for a company than an individual. And if it costs them sorely, then I am sorry for those whose jobs will be affected. But given the choice between somebody's job and a whole communities' health, I choose the latter. Jobs can be replaced. A life can't; and even when it can be treated, the medical costs involved are so prohibitive for most that what life remains will be merely a hollow echo of what they previously had, avalanched under a heavy burden of debt.

## E-Mail No. 04-51 (cont)

It doesn't take a visionary to see that the chemical company has everything to gain and little to loose under the current proposed arrangement. When they have plead their wallet so many times already when confronted on the issue, I can not believe they have the greater interest of their neighbors at heart. When they have the veto power on how the limited funds they were forced to concede are used by the community, and also a fixed time for it to be used in, all they need do is filibuster or block every proposal for some obscure reason until the deadline passes, and they get it all back, along with the handy excuse of saying they tried. The state, community and individuals will then bear, by default, the onus of having failed to come up with a plan that satisfied the interests of those who stood to gain most by never being satisfied.

No! Absolutely not.

The only satisfactory plan is for those who created the problem to do whatever it takes to clean it up and restore as near as possible what was to its original condition; to be held responsible for it by the state, and answerable by law if they fail to comply. I fail to see why those institutions set up by the people, to serve the people should be held hostage by one relatively small company simply because said company feels it might pinch fiscally to do what common courtesy and ethics, not to mention law, dictate be done. Let a proper study be done on the full level of contaminants and secondary elements of any sort that might be present in the aquifer due to their activities by an impartial party. Then let the E.B.Co. work out a plan based on that report that will purify and resolve every environmental issue to the extent possible by factors of time and technology, and present it to the community. They, those most readily affected, will then set an acceptable period of time for it's implementation, enforceable by state, county and community, departments and officials. That would seem obvious.

That done, I believe some sort of compensation to those already shattered by the problem would be in order. But lets get the problem fixed first. Otherwise we're just bailing in a scuttled ship.

When the fox gets to set the rules for raiding the coop, the farmer never resolves the problem, the hens all dissappear, and in the end all will lose.

Brenden Taylor

## Response to E-Mail No. 04-51 (cont)

*See Response to Common Comment No. 13.*

See Response to Common Comment No. 4.

See Response to Common Comment No. 2.

## E-Mail No. 04-52

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:44PM  
**Subject:** Fwd: Mapleton Contamination Problem

>>> Eve Hendrix <[laurettehendrix@yahoo.com](mailto:laurettehendrix@yahoo.com)> 09/24/04 12:12PM >>>  
I have lived in Mapleton for the past 10 years and live just over the hill  
from the Ensign Bickford Plant. I am very concerned about the problem with  
the contaminated water and strongly support the Mapleton response to the  
State of Utah proposed settlement. The proposed solution seems to be  
inadequate to meet the needs of the city and the citizens of Mapleton.

Sincerely,

Eve M Hendrix  
1005 West 2620 South  
Mapleton, Utah 84664  
801-489-0020  
[laurettehendrix@yahoo.com](mailto:laurettehendrix@yahoo.com)

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## Response to E-Mail No. 04-52

*Comment noted. See response to City of Mapleton's comment,  
Response to Letter No. 04-37.*

## E-Mail -No. 04-53

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:44PM  
**Subject:** Fwd: Support of Mapleton City Position

>>> "Lee Hendrix" <[hendrixlj@hotmail.com](mailto:hendrixlj@hotmail.com)> 09/24/04 12:04PM >>>  
Utah Department of Environmental Quality -- NRD Trustee  
Dianne R. Nielson, Ph.D.  
NRD Trustee/DEQ Executive Director

I strongly support Mapleton City's position relative to the settlement with Ensign-Bickford. In my opinion, the proposed settlement agreement doesn't even come close to compensating the citizens of Mapleton and doesn't adequately address solving the contamination problem.

Leland Hendrix  
1005 West 2620 South  
Mapleton, UT 84664  
(801) 489-0020

## Response to E-Mail No. 04-53

*Comment noted. See response to City of Mapleton's comments, Response to Letter No. 04-37.*

## E-Mail No. 04-54

**From:** nrdtrustee  
**To:** Keith Egan  
**Date:** 9/28/04 3:44PM  
**Subject:** Fwd: Trojan plant aquifer pollution and Mapleton City

>>> "G. Peterson" <[basin\\_plateau@hotmail.com](mailto:basin_plateau@hotmail.com)> 09/23/04 11:48AM >>>  
Dear NRD Trustee:

My first reading of the settlement proposal found one glaring inadequacy. Why the time limit of 20 years?! What science is there to show that this aquifer can be decontaminated within 20 years? How long has the plant been polluting the aquifer? They should be responsible for however long it takes. If it financially breaks the business, so be it. If it causes the business to move that is fine too. If the business can operate safely and responsibly and still remain at its current location, that is fine also. There needs to be responsibility on the part of all parties and entities affecting the lives of other people.

It appears to me that rationally speaking, this site should have been the target of the EPA superfund mega expediture clean up effort that was delivered to Eureka City (partly because it had insufficient political clout to keep it out of or lower in profile than an equally if not more contaminated Park City?). Many more people in Mapleton and vicinity are affected with many more documentable adverse and even disastrous health effects.

I expect that were I to analyze your proposal and the city's comments on it I would agree far more with the city's. However, you should be less than smug in any assumptions that the citizens of Mapleton (or anywhere else) have an overwhelming apathy concerning this issue. The "apathy" of many is a direct result of observing first hand a betrayal of trust both by this city's supposed governmental "representatives" and of numerous occasions of betrayal by state agencies. Because big government can use the small citizen's limited resources to promote its own agendas, small citizens are forced to select issues and battle lines very carefully. Frankly, I fear reprisals at some point for simply making this minor and guarded statement public, as it doubtless is addressed to "NRD Trustee."

Sincerely,

Gary Peterson

## Response to E-Mail No. 04-54

*See Response to Common Comment No. 3.*

*EPA is aware of this issue and is involved with the on-site investigation.*

*DEQ takes very seriously the concerns of Utah citizens and will continue to work with Mapleton's citizens and city officials to provide information and oversight the cleanup program.*

## E-Mail No. 04-55

**From:** nrdtrustee  
**To:** Keith Eagan  
**Date:** 9/28/04 3:43PM  
**Subject:** Fwd: contaminated water

>>> "Edward Younica" <[edward@janisfinancial.com](mailto:edward@janisfinancial.com)> 09/22/04 03:03PM >>>  
NRD Trustee

It seems like the Utah State Department of Water Quality does not care about water quality.  
We need to have Mapleton water cleaned up. I don't except the plan Ensign Bickford proposed. I don't take this matter lightly, however it seems like the State is. The aquifer is contaminated and needs to be cleaned immediately. I will not tip toe around. If the State and Ensign Bickford don't move ahead quickly I will notify every news channel, newspaper, Senator, and Congressman about the slothful self serving attitude displayed toward the people of Mapleton. If you want the publicity from the media and the pressure from Congress and Senate just keep dragging your feet. I expect a response A.S.A.P.

Mapleton Resident,  
Ed Younica

## Response to E-Mail No. 04-55

*Roughly 4100 acre-feet of ground water [the maximum allowed by the Division of Water Rights] has been treated annually for the past 6 years, and will continue for another projected 20 years. See also Response to Common Comment No. 3.*